

## **REMARKS**

By this Amendment, two minor clarifying corrections have been made in the specification. In the claims, independent method claim 1 and independent apparatus claim 9 have been amended for better clarity. Other dependent claims have also been amended consistent with the changes to independent claims 1 and 9 and/or for better clarity. It is submitted that the present application is in condition for allowance for the following reasons.

As noted above, two minor corrections of a self-evident nature have been made in the specification. Specifically, these changes were to correct the reference to the third (not second-mentioned "first") actuator and the omission of an obviously missing word.

In the *Drawings* section of the outstanding Detailed Action, figure 2 was objected to for having improper margins. By this Amendment, as noted above a substitute drawing of figure 2 with proper margins is provided.

In the *Claim Objections* section, claim 10 was objected to for a typographical error (actually an error from transcribing the original claim). By this Amendment, the noted error has been corrected.

In the *Claim Rejections – 35 USC § 112* section, claims 1, 5 and 6 (and 4) were rejected for being indefinite. By this Amendment, the noted problems, as well as other potential such problems in these and other claims, have been corrected in a self-evident manner to make all of the claims definite.

In the *Claims Rejection – 35 USC § 102* section, claims 1-7 and 9 were rejected as being anticipated by the Kodaverdian '587 patent. However, for the following reasons, it is submitted that independent method claim 1 and claims 2-7 dependent

therefrom as well as independent apparatus claim 9 are all allowable over this reference.

As claimed in independent method claim 1, the present invention includes, as part of the step of actuating a first (e.g., back rest) actuator, the step of “always” actuating a second (e.g., foot rest) actuator first in one (up so as not to hit the floor) direction and then in an opposite (back to the original position) direction. This action is additionally claimed in claim 9 as being “automatic”, and occurring “whenever” rather than “always”.

The Kodaverdian '587 patent discloses a seat with various actuators and a CPU to control operations thereof. In particular, the CPU will “automatically” activate a foot rest actuator to prevent damage thereto, but only when an associated leg rest is moved (towards the floor) to a specific angle  $\theta$  or smaller where damage to the foot rest might occur upon impact with the floor.

From the above, it is clear that the “automatic” operation of the Kodaverdian '587 patent foot rest is made only in response to the sensing of the leg rest exceeding a predetermined angle  $\theta$ . This operation differs from the present invention as claimed, in that the foot rest (for example) is (automatically) moved always (or whenever) the back rest (for example) is moved. It will also be noted that the Kodaverdian '587 patent does not disclose or make obvious the return (movement in the opposite direction) of the foot rest to the original (un-retracted) position in any manner as is further claimed in independent claim 1. This is not surprising since return of the foot rest in the Kodaverdian '587 patent might then impact the floor.

Therefore, for all of the foregoing reasons, it is submitted that independent method claim 1 is neither disclosed nor made obvious by the Kodaverdian '587 patent. For these same reasons, it is submitted that method claims 2-8 dependent from claim 1 are similarly allowable.

Further, as independent apparatus claim 9 similarly claims the same features as discussed above, it is submitted that claim 9 is similarly neither disclosed nor made obvious by the Kodaverdian '587 patent. And for these same reasons, it is submitted that claims 10-11 dependent therefrom are also allowable.

It is further submitted that the elements more particularly claimed in dependent claims 2-7 are also neither disclosed nor made obvious by the Kodaverdian '587 patent.

Also in the *Claims Rejection – 35 USC § 102* section, claims 1-11 were rejected as being anticipated by the Tual patent. However, for the following reasons, it is submitted that independent method claim 1 and claims 2-8 dependent therefrom as well as independent apparatus claim 9 and claims 10-11 dependent therefrom are all allowable over this reference.

The Tual patent discloses an installation for operating seat modules. In particular, when an actuator for a module is actuated in a given direction, the current intensity consumed by that actuator is monitored. If the consumed current intensity is higher than a predetermined maximum value, then that actuator is moved in an opposite direction.

From the above description, it is apparent that the Tual patent teaching is applicable to only a single actuator. In particular, the Tual patent does not teach or suggest the tying of the movement of one actuator in a given direction with that of a second actuator, and especially not the movement in one direction of the second

actuator and the subsequent movement in an opposite direction, as claimed in both independent claims 1 and 9. Further, the reversed action of the actuator in the Tual patent is tied to the condition of that actuator itself, rather than the movement of the first actuator as claimed.

Therefore, for all of the foregoing reasons, it is submitted that independent method claim 1 and claims 2-8 dependent therefrom, as well as independent apparatus claim 9 and claim 10-11 dependent therefrom, are neither disclosed nor made obvious by the Tual patent.

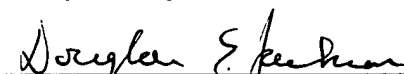
It is further submitted that the elements more particularly claimed in dependent claims 2-8 and 10-11 are also neither disclosed nor made obvious by the Tual patent.

The remaining references which were cited but not applied have been reviewed but are not believed to be pertinent to the patentability of the present invention.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Date: July 14, 2003

Respectfully submitted,



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